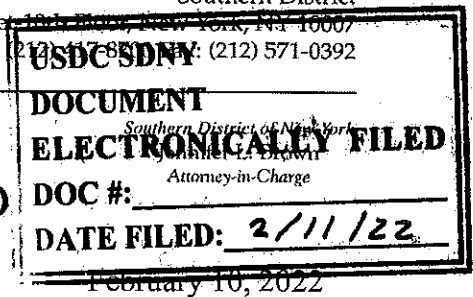


# Federal Defenders OF NEW YORK, INC.

Southern District  
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Tel: (212) 571-8890; (212) 571-0392

David E. Patton  
Executive Director

MEMO ENDORSED



## VIA ECF

Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: United States v. Rickey Johnson  
21 Cr. 194 (LAK)

Dear Judge Kaplan:

We write to respectfully request that Your Honor allow us to connect to the courtroom's Wi-Fi during trial. Access to a WiFi connection would facilitate effective and efficient communication between members of Mr. Johnson's defense team and allow his defense team to remain connected to resources in the office during critical moments of the proceedings.

Due to COVID-19 safety protocols, we understand that members of the defense team may be separated, seated at different tables and/or required to sit away from counsel table in the area of the courtroom typically reserved for public seating. Given that the Court does not permit cellphones in the courtroom, Wi-Fi access on the approved laptops would permit Mr. Johnson's legal team to remain in communication while trial is ongoing, while minimizing disruption to the proceedings.

Moreover, Wi-fi access would permit the trial team to remain connected to resources in the office during the proceedings, reducing the number of defense files and personnel in the courtroom, as well as traffic in the courtroom during proceedings. This is particularly critical in this case given the voluminous and largely digital discovery produced. Hundreds of videos were produced in discovery along with messages, photographs, law enforcement reports and forensic case files. Defense needs to have access to these resources in case their use becomes necessary during trial.

In other trials during the current pandemic, counsel from our office have been permitted to access the Court's WiFi during their trial. *See United States v. Christopher Ansa*, 19 Cr. 724 (JMF); *United States v. Michael Avenatti*, 19 Cr. 374 (JMF). We ask for this accommodation given the unique constraints on trial during a global health pandemic and the need for access to trial resources in our office during the trial.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Zawadi S. Baharanyi  
Marisa K. Cabrera

*Counsel for Rickey Johnson*

cc: AUSA Patrick Moroney  
AUSA Kyle Wirshba

*Cases were tried without wifi  
access for over 200 years.  
Such access may be appropriate  
nowadays in some necessity  
cases. This is not among them.*

*Denied*  
SO ORDERED

*[Signature]*  
LEWIS A. KAPLAN, USDJ

*2/11/22*